

EDMUND G. BROWN JR.  
Attorney General of California  
KATHLEEN A. KENEALY  
Senior Assistant Attorney General  
JOHN DAVIDSON  
Supervising Deputy Attorney General  
CECILIA L. DENNIS (State Bar No. 201997)  
ALLISON E. GOLDSMITH (State Bar No. 238263)  
Deputy Attorneys General  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-55511  
Fax: (415) 703-5480  
E-mail: Allison.Goldsmith@doj.ca.gov  
*Attorneys for Defendant*  
*California State Water Resources Control Board*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**COHO SALMON (*Onchorynchus kisutch*),  
NORTHERN CALIFORNIA RIVER  
WATCH, a non-profit Corporation and  
COAST ACTION GROUP,**

Plaintiffs,

v.

**CLINTON FOLGER doing business as  
GREEN PASTURES VALLEY, LLC;  
DOROTHY R. RICE, Executive Director,  
CALIFORNIA STATE WATER  
RESOURCES CONTROL BOARD; and  
DOES 1-20, Inclusive,**

Defendants.

3:10-cv-00741 JL

**STIPULATION AND ~~PROPOSED~~  
ORDER EXTENDING TIME FOR  
MEDIATION**

Judge: The Hon. James Larson

Action Filed: February 22, 2010

On December 6, 2010, Defendants DOROTHY R. RICE and CALIFORNIA STATE WATER RESOURCES CONTROL BOARD (State Defendants) will be filing a Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to be heard on January 26, 2011. Among other arguments, State Defendants will argue that the CALIFORNIA STATE WATER RESOURCES CONTROL BOARD is a state agency immune from suit under the

Eleventh Amendment to the United States Constitution. Plaintiffs aver that the STATE WATER RESOURCES CONTROL BOARD is not a named party in the suit.

The parties hereby stipulate and agree that the deadline for mediation should be extended to 30 days after January 26, 2011 so that this Court has an opportunity to decide whether the State Defendants should be dismissed from the suit. State Defendants are signing this Stipulation without waiving or releasing their rights under the Eleventh Amendment to the United States Constitution.

Dated: December 1, 2010

Respectfully submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
JOHN DAVIDSON  
Supervising Deputy Attorney General

/S/ ALLISON E. GOLDSMITH

ALLISON E. GOLDSMITH  
Deputy Attorney General  
*Attorneys for Defendant California State  
Water Resources Control Board*

Dated: December 1, 2010

APPROVED:

LAW OFFICES OF JACK SILVER

*E-mail Approval 12/1/10*

JACK SILVER  
*Attorneys for Plaintiffs Coho Salmon,  
Northern California River Watch & Coast  
Action Group*

Dated: December 1, 2010

APPROVED:

ANDRIAN & GALLENSON

*E-mail Approval 12/1/10*

STEPHEN M. GALLENSON  
*Attorneys for Defendant Clinton Folger dba  
Green Pastures Valley, LLC*

IT IS SO ORDERED

Dated: December 3, 2010

  
JAMES LARSON  
UNITED STATES MAGISTRATE JUDGE